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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,817	03/05/2002	Atsushi Mizutome	03500.016249.	2989
5514 7590 01/26/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
PENG, FRED H				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,817

Applicant(s)

MIZUTOME ET AL.

Examiner

FRED PENG

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 46-50.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/23/2008 have been fully considered but they are not persuasive.

Applicant argues Mori also fails to disclose or suggest a relationship between storing control of the external user profile and selection of the preferred program searched based on the external user profile, again as clearly required in amended independent Claim 46.

The Examiner respectfully disagrees with applicant's arguments.

Maissel discloses updating the external user file when selecting a preferred program (Para 120 lines 9-17); Dedrick (Col 7 lines 41-65) in view of Mori (Para 21, Para 22) further discloses automatically deleting the external user file in a predetermined time period elapsing from a time when the external user profile was stored.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maissel's system to include automatically deleting the external user profile in accordance with a predetermined time period elapsing from a time when the external user profile was stored in said storing unit, if the preferred program searched by said searching unit is not selected with said operating unit so as to protect user's privacy while adding benefits of user convenience, while also updating the external user profile by said profile processing unit to store the uploaded external user profile in said storing unit, if the preferred program searched by said searching unit is selected with said operating unit to take advantage of updating for latest information.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 46, 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al (US 2004/0049787) in view of Dedrick (US 5,724,521) and Mori et al (US 2004/0210932).

Regarding Claims 46, 48 and 50, Maissel discloses a receiving apparatus (FIG.1, element 110) with corresponding method and computer-readable medium (memory) for receiving television broadcasting signals, comprising:

an external interface unit (FIG.2, 160) for inputting, from outside of said receiving apparatus, an external user profile relates to a preference of a user of another receiving apparatus (Para 154);

a storing unit for storing the external user profile input by said external interface unit (FIG.2, 140);

a searching unit (FIG.3, 200) for a searching unit for searching for a preferred program among a plurality of transmitted programs multiplexed in the television broadcasting signals on the basis of said external user profile stored in said storing unit (Para 164; Para 165; customizing programs for users is searching for a preferred program);

an operation unit (FIG.1, 110) for receiving an operation instruction for selecting a channel of the preferred program searched by said searching unit (Para 103);

a profile processing unit (FIG.2, 130) for updating the external user profile on the basis of operation history of the channel selection by said operation unit (Para 120 lines 9-17) and outputting the updated external user profile to said another receiving apparatus through said external interface unit (Para 156).

Maissel discloses updating the external user profile when selecting preferred programs from the user but is silent about a control unit for automatically deleting the external user profile in accordance with a predetermined time period elapsing from a time when the external user profile was stored in said storing unit.

In an analogous art, Dedrick teaches automatically deleting the external user profile stored in the memory after its usage (Col 7 lines 41-65) for privacy protection while Mori further discloses a time limit for automatic deletion for user convenience (Para 21, Para 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maisse's system to include automatically deleting the external user profile in accordance with a predetermined time period elapsing from a time when the external user profile was stored as taught by Dedrick in view of Mori to protect user's privacy while adding benefits of user convenience.

4. Claims 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over et al (US 2004/0049787), Dedrick (US 5,724,521) and Mori et al (US 2004/0210932) as applied to claims 46 and 48 above, and further in view of Horn et al (US 6,862,612).

Regarding Claims 47 and 49, Maisse discloses updating the external user profile on the basis of the operation history of the channel selection but is silent about inquiring the user whether to update the external user profile.

In an analogous art, Horn discloses inquiring a user whether to update his user profile during a transaction (FIG. 12; Col 8 lines 59-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Maisse, Dedrick and Mori to include a prompt for confirmation of profile updating as taught by Horn to provide the user an additional option to choose.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

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of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2426